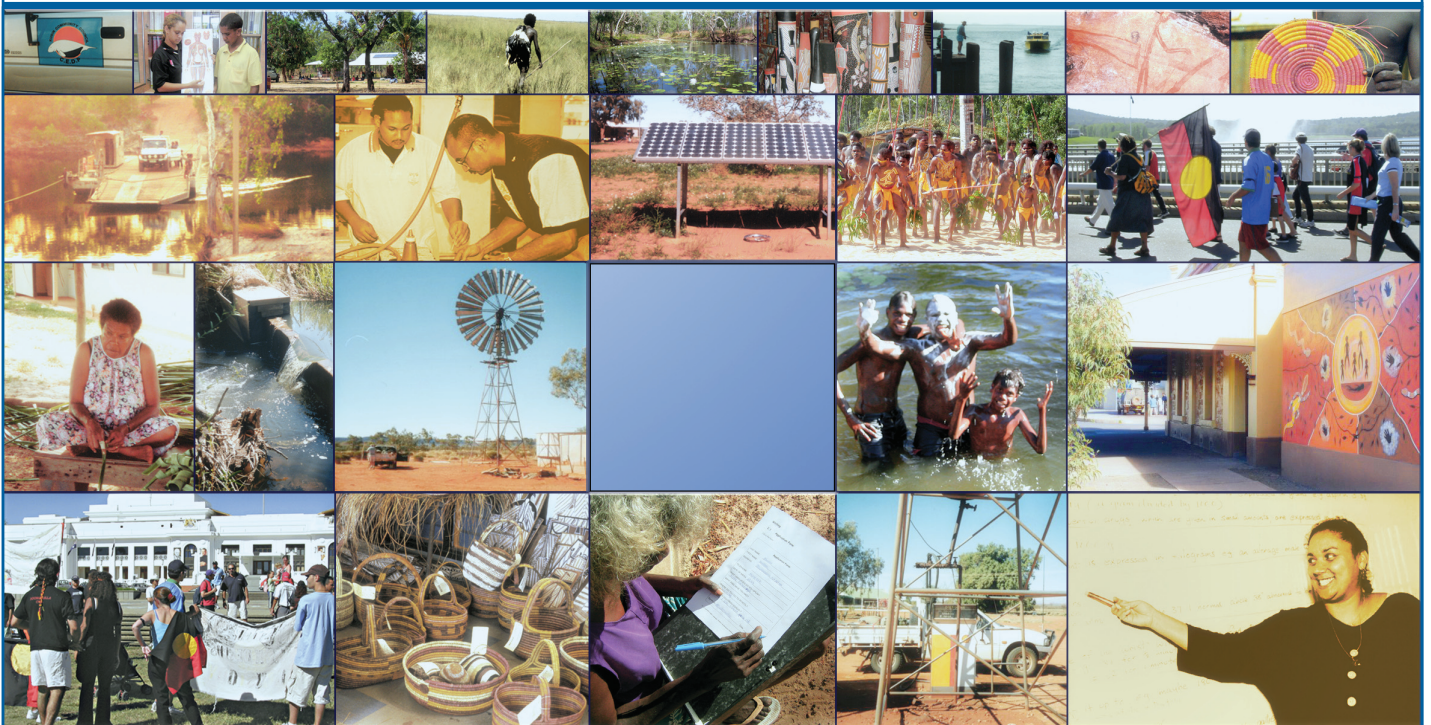


Commercial Water and Indigenous Australians: A Scoping Study of Licence Allocations

J.C. Altman and W.S. Arthur

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ABSTRACT

This report is the outcome of a scoping exercise commissioned by the National Water Commission (NWC) to determine the water licences and allocations to Indigenous people for commercial use across all States and Territories (except the Australian Capital Territory) in Australia. This preliminary study was carried out between mid December 2008 and early February 2009.

The empirical research reported here attempts to document for the first time actual allocations of water licences and entitlements to identified Indigenous users on a state-by-state jurisdictional basis.

There were three specific tasks involved in this exercise. First, to contact the main Indigenous business institutions to determine what Indigenous businesses use water, and potentially have a water access entitlement. Second, contact the relevant jurisdictional water licensing authorities to clarify if a water access entitlement had been issued, and if so, obtain general details of the licence. Finally, to collate information into table form and summarise the findings.

It must be emphasised that we have focused here on allocation of water to Indigenous businesses for commercial purposes and not for customary (non-market) purposes that can have a significant impact on people's livelihoods. The distinction between commercial and customary use is discussed briefly.

Keywords: Indigenous estate, natural resource management, Indigenous rights in freshwater, freshwater governance.

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INTRODUCTION

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NWC:
National Water
Commission

The empirical research reported here attempts to document for the first time actual allocations of water licences and entitlements to identified Indigenous users on a state-by-state jurisdictional basis.

The specific tasks involved in this exercise were to:

- Contact the main Indigenous business institutions to determine what Indigenous businesses use water, and potentially have a water access entitlement
- Contact the relevant jurisdictional water licensing officers to clarify if a water access entitlement had been issued, and if so, obtain general details of the licence, and
- Collate information into tabular format and summarise the findings.

It must be emphasised that we have focused here on allocation of water to Indigenous businesses for commercial purposes and not for customary (non-market) purposes that can have a significant impact on people's livelihoods (see, for example, Altman 2008). The distinction between commercial and customary use is also discussed below.

This scoping exercise complements two other pieces of research commissioned by the NWC: a review of the legal basis for Indigenous access to water (Tan 2009) and a background paper on Indigenous participation in water planning and access to water (Jackson 2009). All three pieces of work were intended to inform a National Indigenous Water Planning Forum held in Adelaide on 19–20 February 2009. An introductory guide is also available for those concerned with Indigenous interests in freshwater in Australia (Bulloch 2009).

METHODOLOGY

While this study was defined as desk-top, it would be more accurate to describe it as desk-bound. Besides surveying the literature, an array of electronic resources were consulted and discussions were held with numerous contacts in all jurisdictions by telephone and email. The study was carried out in two stages.

STAGE 1: LOCATING THE INDIGENOUS WATER USERS

A standard questionnaire was distributed electronically to lead Indigenous agencies, native title representative bodies and land councils (listed in Appendix B) who were asked to identify Indigenous users of water for commercial purposes from their records or from their local knowledge of Indigenous businesses. Other relevant literature that could provide information about commercial water users was reviewed; these are included in the references section at the end of this paper.

Those approached were asked to attempt to identify the following information:

- Name of business activity using water for commercial purposes (e.g. a private business, or a community business name, a pastoral station name)
- Type of business activity using the water (e.g. shop, vineyard, fish processing operation, hotel, supermarket, bakery, cattle station, nursery; however, the water had to be used for commercial purposes—i.e. the business must trade)
- Name of nearest town to the business activity
- Is this a current business activity? (a business activity currently operating and using water for commercial purposes)
- Is this a planned future business activity? (a business planned for the future that would use water for commercial purposes)
- If it is a planned future activity, what year might it start up?

Lists of potential users were prepared from these sources for each State/Territory. As noted below, these lists were made as inclusive as possible and included all of the businesses or potential businesses that could be identified in the time available for this scoping exercise.

STAGE 2: LOCATING INDIGENOUS WATER LICENCES AND ALLOCATIONS

The very inclusive lists produced in Stage 1 were modified, in collaboration with the NWC, with the aim of refining the entries so that they contained only those entities that were most likely to be commercial water users.

Questionnaires were constructed in collaboration with the NWC and distributed to each jurisdiction (listed in Appendix C) asking for the following information for each entity we provided to them, and for any others they knew of but were not on our lists:

- Type of business
- Nearest town or shire
- If the licence is for stock and domestic use
- Date of issue of licence
- Volume of allocation per year.

Lists of licence holders and their allocations (where these were provided) were constructed from the information provided by each jurisdiction and these are presented at Appendix A below (Tables 2–9). Only those entities to which licences have been issued are included in these final lists.

RESULTS

STAGE 1: LOCATING THE INDIGENOUS WATER USERS

Specific information on the Indigenous use of water for commercial or any other purpose is not held by any of the Indigenous bodies that we approached. Furthermore, not all of the bodies listed in Appendix B that were approached were able to provide information.

Table 1. Estimate of Indigenous users of water for commercial purposes

State/Territory	Number of potential users ^a	Number of potential users after NWC advice	Number of licences identified by jurisdictions	Percentage of all Indigenous licences
Western Australia	123	89	3	2
Northern Territory	90	39	4	2
Victoria	49	17	5 ^b	3
Queensland	48	29	23	14
New South Wales	27	19	122	75
South Australia	25	21	4	2
Tasmania	9	5	1	1
Total	371	219	162	100
Notes: a. As noted in the text, this total was compiled to be as inclusive as possible, attempting to represent all the Indigenous agencies, entities and programs that might conceivably use water.. b. Excludes Goulburn Murray Water region. Sources: As indicated in the text.				

The data received, plus that obtained from the sources noted in the references section, was combined and gave the numbers of potential users shown in the first column of Table 1.¹ These estimates were very inclusive, incorporating all entities that it was imagined might use water—in the broadest sense—such as Community Development Employment Program (CDEP) organisations, community-based ranger programs, cattle stations, aquaculture projects, orchards, farms, health centres, small businesses and some administration buildings. In part, these estimates were made from people's local or program knowledge. For instance, the Department of Families, Housing, Community Services and Indigenous Affairs (Cwlth)) kindly provided a list of CDEP organisations and projects that, according to their program managers, might be linked to water management or use water for commercial purposes.

As noted earlier, this master list was refined in collaboration with the NWC so that it contained only those entities that were thought most likely to use water for commercial purposes. This abbreviated list gave the numbers in the second column of Table 1. It was this abbreviated list that was distributed to each jurisdiction listed in Appendix C.

The distribution of potential users in the first column of Table 1 shows a certain northern or north-western weighting that may be explained in part by the number of Indigenous pastoral properties in Western Australia and the number of ranger programs in the Northern Territory. However, the estimated number of commercial water-use licences identified by the water authorities in each State and Territory shows a very different distribution. Most commercial licences are held by Indigenous entities in New South Wales. This reflects the probability that businesses in New South Wales are more likely to use water for irrigation purposes than are those in the north and north-west.

CDEP:
Community
Development
Employment
Program

It should also be noted that it is possible that the numbers in the first column, at least for the north of the country, may provide a more accurate indication of the use of water for commercial purposes than suggested by the licence numbers identified by jurisdictions given in the third column. This is because, as noted above, water may be used on a large number of small commercial projects on cattle stations and in land management in the north without any statutory requirement for licensing.

STAGE 2: INDIGENOUS LICENCES AND ALLOCATIONS IDENTIFIED BY THE JURISDICTIONS

It is our understanding that no State or Territory has an administrative Indigenous identifier in their databases for water. The number of licences identified in each jurisdiction is given in Table 1. The results for each jurisdiction are provided on a state-by-state basis at Appendix A (Tables 2 to 9). It has not been possible to completely standardise these tables. Empty cells in the tables denote where it has not been possible to obtain information.

NEW SOUTH WALES

As shown in Table 1, the number of licensees identified in New South Wales was much greater than our original estimate: we estimated 19 users, while the New South Wales authorities identified some 54 users holding some 122 licences. Furthermore, none of the 19 potential users that were on our original list were in fact licence holders. These are significant findings, as they highlight how little we know about Indigenous users of commercial water. It is possible that our estimates of potential users in other jurisdictions—shown in the second column of Table 1—might be underestimates of a similar magnitude although this is unlikely.

Major and relevant licensing classifications in the New South Wales system are High Security (HS) and General Security (GS). HS may include water for irrigation of enterprises such as commercial orchards and GS may apply to entities such as irrigated pasture. In times of water scarcity HS licences are less likely to have their allocations reduced, or conversely likely to have their allocations guaranteed. An additional category is Irrigation (I) that is neither HS nor GS. In New South Wales most water is allocated to the GS category (see Table 2).

In the absence of information on the overall proportion of Indigenous businesses in New South Wales we turn to population to estimate relative water use. The estimated resident Indigenous population of New South Wales from the 2006 Census was 148,200 representing 2.2 per cent of the State's total population (Australian Bureau of Statistics (ABS) 2007). Table 2 indicates that Indigenous allocation is well below this percentage, suggesting that Indigenous people are statistically underrepresented in the allocation of water for commercial purposes. This in turn suggests that Indigenous businesses are less likely to be involved in commercial activities that use water than non-Indigenous businesses.

Details of licensees identified in New South Wales are given in Table 3. In New South Wales, water licence records were provided by the Licensing Administration System in the Department of Natural Resources. As in the other jurisdictions, the New South Wales database does not have an Indigenous identifier. Rather, the licensees were identified personally by the system managers, from their local knowledge and from a search they made of their database using key words such as 'Aboriginal', 'tribal', etc. The data managers are confident that their record is fairly complete. In some cases Indigenous land holders lease out their land to non-Indigenous commercial entities and in those cases the water licence is in the name of the lessee. It could be argued that to be comprehensive, any future water register should include details of the lessor as well as of the lessee.

ABS:

Australian Bureau
of Statistics

VICTORIA

Victorian water is the responsibility of the Victorian Water Industry Association (VicWater) and licensing is organised under four regional bodies, namely Goulburn Murray Water, Lower Murray Water, Grampian Wimmera Water, and Southern Rural Water. All of these bodies were provided with our list of potential users for Victoria and our request for information. Goulburn Murray Water advised that they were not able to provide licence information to the public, but that they were not aware of any Indigenous licensees in their region.

Licensees located in Victoria are presented in Table 4 for three of the four regional bodies, although it is possible that these data represent allocations across all regional bodies.

Since the unbundling of water entitlements in July 2007, the definitive source of information regarding all water entitlements is the Victorian Water Register, and water documents can be sourced from this system. However, to access the system requires the reference number for each document, and licensee. Time constraints did not allow for these reference numbers to be obtained. Given that licences are allocated by the four water bodies that were approached and noted above, it is thought that the list in Table 4 is quite comprehensive.

TASMANIA

Licensees identified in Tasmania are set out in Table 5. For Tasmania, on the recommendation of the Department of Primary Industry and Water, we searched their Water Information System of Tasmania at their web site using the names and locations of possible Indigenous users from our list derived in Stage 1. This search located one licence.

SOUTH AUSTRALIA

In South Australia licence data is held by the licensing section of the Department of Water, Land and Biodiversity Conservation. The section identified four licences issued to Indigenous parties as shown in Table 6.

WESTERN AUSTRALIA

Licensees identified in Western Australia are provide in Table 7. In Western Australia, the Department of Water identified three possible licensees from the list we provided of 89 potential users. It was noted that invariably aquaculture projects use salt, not fresh, water. An assessment of the economic impact of the Ord River Irrigation Project Stage 1 undertaken in 2004 proposed that the most direct way of ensuring that traditional owners had a commercial stake in the region in the future would be via an investment in their water rights to provide them with a guaranteed share of water (Kimberley Land Council 2004). A search of the Ord Final Agreement (Western Australian Government 2006) indicates that such a hypothecated or quarantined allocation of water rights for commercial purposes was not made.

NORTHERN TERRITORY

Licensees identified in the Northern Territory are set out in Table 8. In the Northern Territory, licensing is the responsibility of the Director of Water Management, Natural Resources Division, in the Department of Natural Resources, Environment, the Arts and Sport. The Division identified between three and seven possible licensees. The licence register for the Territory is publicly available.² We searched this online database and no additional licensees were identified.

Division staff explained that the low number of licences in the Territory can be explained by the fact that extracting water for stock and domestic use in the Northern Territory does not require a licence. The Division noted, however, that licences in the Territory are 'attached' to the land and so without a property description—a lot number, or the licensee's full name—it is difficult to confirm the presence or absence of a licence. It is also possible that in some situations Aboriginal-owned land is leased under s.19 of the *Aboriginal Land Rights (Northern Territory) Act 1976* and that the lessee holds the commercial licence. Hence the number of licences identified in Table 7 may be an underestimate.

As in Western Australia, licences are not required for the extraction of salt water for aquaculture at operations such as the crab farm at Kulaluk and the prawn farm at Yirra Bando. In addition, licences are not required in order to take groundwater outside Water Control Districts and in the Darwin District at an extraction rate of less than 15 litres per second, and so many of the smaller and more remote commercial operations are exempt.

QUEENSLAND

Licences located in Queensland are presented in Table 9. In Queensland, water licences are the responsibility of the Water Management Branch of the Department of Natural Resources and Water. Some 23 licences were identified by the Branch, and of these some 13 were on the list of 29 we sent to them (Table 1). This would suggest that Indigenous agencies and bodies have some knowledge of the Indigenous water users in Queensland.

DISCUSSION

This scoping study has sought to quantify any available information on allocation of licences and water for commercial purposes to Indigenous people throughout Australia. On the basis of what we have found from this preliminary work we make the following observations, some focused specifically on water and some on broader economic development issues.

KNOWLEDGE OF COMMERCIAL WATER USE IN THE INDIGENOUS DOMAIN

Our initial inquiries to key agencies that administer Indigenous-specific programs indicate that there is a low knowledge base about those Indigenous businesses that are commercial water users. Not all Indigenous businesses, of course, are assisted by agencies such as the Indigenous Land Corporation or Indigenous Business Australia. In the absence of any database about Indigenous businesses it is difficult to know what proportion receive government assistance (Commonwealth of Australia 2008). The information from New South Wales, where the most comprehensive data were available, indicated that none of our identified potential users of water were actually licensees. This demonstrates how little is known about Indigenous businesses that currently use water or that may wish to use water in the future.

KNOWLEDGE OF WATER LICENCES ALLOCATED TO INDIGENOUS USERS

There is currently no standard facility for identifying Indigenous licensees in state-by-state jurisdictional databases. The managers of water licences in each jurisdiction utilised their own methods and their local knowledge to identify possible licensees. It would seem that a significant amount of local or corporate knowledge is held by individual managers of water in each jurisdiction. Respondents suggested that given more time they could provide better information.

New South Wales staff believe that their data are fairly complete. The issue of using Indigenous identifiers in administrative databases generally has a long and complex history (see Dunn 1992) and further discussion is needed with Indigenous stakeholders to see if this is a high priority issue. There is no doubt however that an identifier would be essential for providing a baseline benchmark for future evaluations of the effect of any new policy initiatives to encourage greater Indigenous participation in the water economy.

An important observation from this work relates to the New South Wales Aboriginal specific purpose licences, none of which have been granted to date (Jackson 2009). The results here show that there is in fact demand for commercial water allocation from Indigenous enterprises in New South Wales. However, specific purpose licenses are only determined through macro water sharing plans that apply to areas generally characterised by low water usage. The low uptake may be because Indigenous people have not been involved in the macro water sharing planning process or because it is an area of low water usage, where there is no demand. It appears likely that the poor uptake can be attributed to institutional barriers (like onerous terms or poor awareness) or a preference for a commercial license over the specific purpose license, rather than low or non-existent demand.

WATER AND INDIGENOUS ENTERPRISE DEVELOPMENT

Comparing our more inclusive list of the potential users of water with the data provided on licence holders suggests that the former may more fully reflect the place of water in Indigenous commercial development. This is because surface and ground water that does not require licensing may be used on a large number of small projects on cattle stations and in land management projects across the north and centre of Australia. Consequently it is likely that the estimates of commercial allocation provided to us by State and Territory water authorities are an underestimate in such jurisdictions.

WATER AND 'CLOSING THE GAP'

In the broader and currently over-arching policy framework of 'closing the gap', ambitious targets have been set to reduce socioeconomic disparities—and very specifically the employment gap—between Indigenous and other Australians in the next decade (Council of Australian Governments (COAG) 2008). Reducing gaps suggests that Indigenous engagement in commerce will need to be one strategy pursued. Data on the Indigenous proportions of States and Territories either by population (ABS 2007) or land holdings (Altman, Buchanan & Larsen 2007) indicate an under-allocation of commercial water, at least according to the preliminary data collected here. This raises important policy issues about the means that might be available to provide guaranteed access to water to Indigenous users as outlined for New South Wales by Tan (2009).

INDIGENOUS ECONOMIC DEVELOPMENT AND WATER

It is important to recognise that Indigenous economic development aspirations are diverse and do not correlate with commercial development in all contexts. It has been noted elsewhere that just as there is a link between the Indigenous customary economy and the market sector, so there is a link between Indigenous customary rights in water for non-commercial (native title) purposes and Indigenous commercial rights in fresh water—for both generally derive from similar sources (Altman 2008). For example, an Aboriginal community might run a recreational fishery enterprise that is commercially dependent on adequate flows of fresh water, as are the customary fishing activities for livelihood of community members. A livelihoods approach to Indigenous development as distinct to a 'closing the gap' approach might need different considerations of Indigenous rights and interests in water.

COAG:
Council of
Australian
Governments

THE WAY AHEAD: WATER AS PROPERTY

The National Water Initiative, launched in 2004, contains limited reference to Indigenous access to water at paragraphs 52–54, except to note that water planning needs to account for those native title rights to water that have been claimed and/or determined (COAG 2004). Interestingly at paragraph 54 it is suggested that water allocated to native title holders (for non-commercial purposes) will be accounted for. The implication here is that some form of national Indigenous water register will be required to provide a comprehensive database on Indigenous commercial and customary use of water.

In recent years, as other new forms of Indigenous property—such as native title determinations—have emerged in Australian law, knowledge about land holdings has improved (see Altman, Buchanan & Larsen 2007). However, while the land ownership database is improving, it remains far from perfect, especially at the property level. Without good knowledge of present or future water allocation and use, it is difficult to see how Indigenous users can be properly incorporated into planning or allocation processes.

NEXT STEPS

This background paper provides a first attempt to determine Indigenous users of water for commercial purposes. This provisional estimate has been far more successful in documenting licences than allocations and must be seen as the early beginnings of the development of a more comprehensive database that might take the form of a national Indigenous water register. A far more comprehensive research effort will be needed if such an objective were to be pursued.

This paper provides some encouraging evidence that progress can be made. For example, the volumetric data for New South Wales could be replicated with greater research effort for other States and Territories. Filling some of the obvious gaps that could not be addressed owing to strict time constraints, such as thoroughly searching the Victorian Water Register, could also be considered.

Ultimately though, broad National Water Initiative objectives aside, it will be important to decide what questions might be answered by the development and then maintenance of a National Indigenous Water Register as a policy instrument.

NOTES

1. The names of these entities are held in a database at CAEPR and with the NWC.
2. See <<http://www.nt.gov.au/nreta/water/manage/register/index.html>>.

APPENDIX A. WATER LICENCE DATA TABLES BY STATE

Table 2. Allocations of water in New South Wales

	Allocation to Indigenous licensees (ML) ^a	Allocation to all licensees (ML)	Indigenous allocation of all allocations (%)
General Security Licences	13,341	5,800,000	0.2
High Security Licences	3,030	580,000	0.5
Irrigation Licences	7,366	No data	No data

Note: a. ML = megalitre.

Source: New South Wales Department of Natural Resources.

Table 3a. New South Wales water licence data

Licence ^a	Status	Name ^b	Date issued	Annual allocation (ML) ^c	Purpose	Town
80al704180	Current	Ellimatta Housing Aboriginal Corporation	01/07/2008	100	Aq	Coonamble
30al300738	Current	Kempsey Local Aboriginal Land Council	01/07/2004	60	Aq	Kempsey
80al703359	Current	Narromine Local Aboriginal Land Council	01/10/2006	20	Aq	Narromine
90al811218	Current	Toomelah Local Aboriginal Land Council	01/07/2008	44	Aq	Boggabilla
90al807449	Current	Walhallow Murri Enterprise Aboriginal Corporation	01/11/2006	176	Aq	Caroona
85al751218	Current	Indigenous Land Corporation	01/07/2008	5	Aq	Brisbane
90bl110479	Active	Aboriginal Land Fund	29/08/1979		D	Woden
90bl250110	Active	Mrangalli Aboriginal Corporation	20/03/2001		D	Tingha
80bl240992	Active	Weilam Local Aboriginal Land Council	30/09/2002		D	Brisbane
80bl241029	Active	Weilam Local Aboriginal Land Council	21/10/2002		D	Brisbane
80bl154333	Active	Dubbo Ga Local Aboriginal Land Council	11/04/1994	19	D & R	Dubbo
40bl134982	Active	Aboriginal Evangelical Fl/Ship	29/05/1987		D & S	Cootamundra
20bl152115	Active	Aboriginal Hostels Ltd	27/08/1997		D & S	Woden
30bl104937	Active	Aboriginal Land Fund	02/06/1976		D & S	Woden
80bl116403	Active	Aboriginal Lands Fund	19/05/1981		D & S	Woden
30bl121976	Active	Aboriginal Lands Trust	16/11/1983		D & S	Walcha
40al401089	Current	Balranald Local Aboriginal Land Council	01/07/2004	5	D & S	Balranald
40al403265	Current	Balranald Local Aboriginal Land Council	19/09/2005	8	D & S	Balranald
30bl177611	Active	Baryulgil Aboriginal Lands Council	21/01/2000		D & S	Baryulgil
30sl048442	Active	Baryulgil Local Aboriginal Land Council	09/05/1991		D & S	Baryulgil
60al581179	Current	Billa Downs Aboriginal Corporation	01/07/2004	8	D & S	Euston
80al702422	Current	Dubbo Local Aboriginal Land Council	01/07/2004	100	D & S	Dubbo

Note: Full key is provided at conclusion of table.

Table 3b. New South Wales water licence data

Licence ^a	Status	Name ^b	Date issued	Annual allocation (ML) ^c	Purpose	Town
90bl252877	Active	Edgerton-Kwiembal Aboriginal Corporation	19/09/2005		D & S	Ashford
50al500990	Current	Indigenous Business Australia	01/07/2004	8	D & S	Woden
50al500565	Current	Indigenous Land Corporation	01/07/2004	15	D & S	Adelaide
60al581385	Current	Indigenous Land Corporation	01/07/2004	8	D & S	Adelaide
30bl181949	Active	Jubal Aboriginal Corporation	06/06/2003		D & S	Mallanganee
50al502714	Current	Larnangurag Aboriginal Association Inc	01/07/2004	8	D & S	Hallam
30sl044382	Active	Malabugilmah Aboriginal Corporation	12/09/1984		D & S	Baryugil
30bl140549	Active	Mirriwinni Gardens Aboriginal Academy	21/02/1990		D & S	Via Kempsey
30bl141378	Active	Mirriwinni Gardens Aboriginal Academy	05/06/1990		D & S	Via Kempsey
90bl248962	Active	Moombahlene Aboriginal Land Council	04/05/1998	8	D & S	Tenterfield
70al602392	Current	Murrin Bridge Local Aboriginal Land Council	01/07/2004	5	D & S	Lake Cargelligo
60bl028787	Active	N S W Aboriginal Land Council	30/05/1973		D & S	Parramatta
70al601973	Current	N S W Aboriginal Land Council	01/07/2004	12	D & S	Parramatta
40al402433	Current	Nari Nari Tribal Council Inc	01/07/2004	619	D & S	Hay
40al403236	Current	Nari Nari Tribal Council Inc	01/06/2005	171	D & S	Hay
40bl190516	Active	Nari Nari Tribal Council Inc	28/04/2005		D & S	Hay
85bl105271	Active	New South Wales Aboriginal Land Council	25/08/1976		D & S	Wagga Wagga
60al580405	Current	Nyampa Aboriginal Housing Company Ltd	01/07/2004	8	D & S	Menindee
10bl159262	Active	Tharawal Local Aboriginal Land Council	13/07/1999		D & S	Buxton
80bl239781	Active	Thubbo Aboriginal Medical Co - Op	08/05/2002		D & S	Dubbo
90bl113613	Active	Walhallow Murri Enterprise Aboriginal Co	05/09/1980		D & S	Caroona
90bl253081	Active	Walhallow Murri Enterprise Aboriginal Corporation	06/02/2006		D & S	Caroona
Note: Full key is provided at conclusion of table.						

Table 3c. New South Wales water licence data

Licence ^a	Status	Name ^b	Date issued	Annual allocation (ML) ^c	Purpose	Town
50al503126	Current	Wandoo Aboriginal Corporation	01/07/2004	3	D & S	Albury
70bl226507	Active	Weigelli Centre Aboriginal Corporation	24/04/1997		D & S	Cowra
70sl090279	Active	Weigelli Centre Aboriginal Corporation	04/08/1999		D & S	Cowra
80bl133657	Active	Wilyakali Aboriginal Corp	10/12/1985		D & S	Broken Hill
85bl103557	Active	Wilyakali Aboriginal Corp	02/09/1975		D & S	Broken Hill
80bl239165	Active	Wiradjuri Wellington Aboriginal Town Common Committee	04/12/2000		D & S	Wellington
20bl168569	Active	Yarnteen Aboriginal & Torres Strait	20/11/2002		D & S	Cardiff
70bl230897	Active	Yawarra Hillford Aboriginal Corporation	24/08/2005		D & S	Cowra
40al401088	Current	Balranald Local Aboriginal Land Council	01/07/2004	972	GS	Balranald
40al402042	Current	Balranald Local Aboriginal Land Council	01/07/2004	90	GS	Balranald
40al403248	Current	Balranald Local Aboriginal Land Council	07/03/2006	804	GS	Balranald
60al580660	Current	Billa Downs Aboriginal Corporation	01/07/2004	604	GS	Euston
60al580707	Current	Billa Downs Aboriginal Corporation	01/07/2004	928	GS	Euston
60al581178	Current	Billa Downs Aboriginal Corporation	01/07/2004	178	GS	Euston
70al600802	Current	Cowra Local Aboriginal Land Council	01/07/2004	84	GS	Cowra
70al600863	Current	Cowra Local Aboriginal Land Council	01/07/2004	135	GS	Cowra
50al501185	Current	Cummeragunja Local Aboriginal Land Council	01/07/2004	834	GS	Moama
50al502464	Current	Cummeragunja Local Aboriginal Land Council	01/07/2004	674	GS	Moama
50al500989	Current	Indigenous Business Australia	01/07/2004	667	GS	Woden
60al580104	Current	Indigenous Business Australia	01/07/2004	30	GS	Brisbane
50al500564	Current	Indigenous Land Corporation	01/07/2004	2658	GS	Adelaide
60al581239	Current	Indigenous Land Corporation	01/07/2004	16	GS	Adelaide

Note: Full key is provided at conclusion of table.

Table 3d. New South Wales water licence data

Licence ^a	Status	Name ^b	Date issued	Annual allocation (ML) ^c	Purpose	Town
50a1502713	Current	Larnangurag Aboriginal Association Inc	01/07/2004	411	GS	Hallam
60a1580261	Current	Menindee Local Aboriginal Land Council	01/07/2004	729	GS	Dubbo
60a1580618	Current	Mildura Aboriginal Corporation	01/07/2004	118	GS	Mildura
60a1580684	Current	Mildura Aboriginal Corporation	01/07/2004	232	GS	Mildura
70a1601055	Current	Murrin Bridge Local Aboriginal Land Council	01/07/2004	135	GS	Lake Cargelligo
70a1602391	Current	Murrin Bridge Local Aboriginal Land Council	01/07/2004	6	GS	Lake Cargelligo
70a1602924	Current	Murrin Bridge Local Aboriginal Land Council	01/07/2004	15	GS	Lake Cargelligo
60a1580194	Current	NSW Aboriginal Land Council	01/07/2004	240	GS	Parramatta
40a1403235	Current	Nari Nari Tribal Council Inc	01/06/2005	1,944	GS	Hay
40a1400826	Current	Narrandera Local Aboriginal Land Council	01/07/2004	243	GS	Narrandera
60a1580404	Current	Nyampa Aboriginal Housing Company Ltd	01/07/2004	492	GS	Menindee
40a1400956	Current	Sandhills Advancementaboriginal Corporation	01/07/2004	25	GS	Narrandera
50a1503125	Current	Wandoo Aboriginal Corporation	01/07/2004	42	GS	Albury
80a1701396	Current	Wellington Local Aboriginal Land Council	01/07/2004	20	GS	Wellington
20a1200638	Current	Wonnarua Nation Aboriginal Corporation	01/07/2004	15	GS	Singleton Dc
60a1580103	Current	Indigenous Business Australia	01/07/2004	49	HS	Brisbane
60a1581238	Current	Indigenous Land Corporation	01/07/2004	8	HS	Adelaide
40a1403234	Current	Nari Nari Tribal Council Inc	01/06/2005	3	HS	Hay
40a1404972	Current	Nari Nari Tribal Council Inc	13/11/2007	2,130	HS	Hay
40a1404973	Current	Nari Nari Tribal Council Inc	13/11/2007	20	HS	Hay
40a1405414	Current	Nari Nari Tribal Council Inc	09/01/2008	500	HS	Hay
60a1580403	Current	Nyampa Aboriginal Housing Company Ltd	01/07/2004	280	HS	Menindee
Note: Full key is provided at conclusion of table.						

Table 3e. New South Wales water licence data

Licence ^a	Status	Name ^b	Date issued	Annual allocation (ML) ^c	Purpose	Town
80al701395	Current	Wellington Local Aboriginal Land Council	01/07/2004	40	HS	Wellington
30bl178405	Active	Bunjum Aboriginal Co-Operative	28/09/1999	3	I	Wardell
70bl122929	Active	Cowra Local Aboriginal Land Council	28/09/1982	59	I	Cowra
90bl145313	Active	Edgerton-Kwiemba Aboriginal Corporation	29/05/1992	240	I	Ashford
90sl100051	Active	Edgerton-Kwiemba Aboriginal Corporation	15/02/1996	30	I	Ashford
80sl047055	Active	Ellimatta Housing Aboriginal Corporation	29/03/1989	36	I	Coonamble
20bl168137	Active	Forster Local Aboriginal Land Council	11/09/2001	80	I	Forster
30sl065571	Active	Kempsey Local Aboriginal Land Council	07/07/1999	45	I	Kempsey
50sl004685	Active	Larnangurag Aboriginal Association Inc	29/12/1933	52	I	Hallam
50sl040405	Active	Larnangurag Aboriginal Association Inc	21/11/1979	52	I	Hallam
90bl249580	Active	Mrangalli Aboriginal Corporation	03/08/1999	19	I	Tingha
30sl046040	Active	Tweed Byron Local Aboriginal Land Council	01/07/1987	2	I	Chinderah
85sl025591	Suspended	Wilcannia Local Aboriginal Land Council	24/05/1966	2840	I	Wilcannia
80sl013607	Active	Windradyne Aboriginal Land Council	22/09/1954	9	I	Bathurst
30bl176824	Active	Yarrawarra Aboriginal Corporation	05/06/1995	7	I	Corindi
90bl015549	Active	Indigenous Land Corporation	19/07/1965	192	I	Adelaide
85sl048567	Active	Indigenous Land Corporation	06/06/1991		I	Brisbane
85sl050939	Active	Mungindi Local Aboriginal Land Council	21/06/1996		I & S	Mungindi
85sl100380	Active	Mungindi Local Aboriginal Land Council	29/12/1998	2,430 + 6.5	I & S	Mungindi
30sl031159	Active	Indigenous Land Corporation	29/10/1969	7 + 3	I & S	Brisbane
90sl038731	Active	Indigenous Land Corporation	20/10/1976	972 + 8	I & D & S	Adelaide
85sl045561	Active	Indigenous Land Corporation	18/06/1986	168 + 8.5	I & D & S	Brisbane

Note: Full key is provided at conclusion of table.

Table 3f. New South Wales water licence data

Licence ^a	Status	Name ^b	Date issued	Annual allocation (ML) ^c	Purpose	Town
85sl029624	Active	Indigenous Land Corporation	01/11/1968	123 + 2	I & D	Brisbane
80bl237234	Suspended	Coonabarabran Local Aboriginal Lands Cou	05/06/1997	1	Recreation	Tamworth
90sl034724	Active	Moree Local Aboriginal Land Council	17/07/1972	4.5	S	Moree
85bl150937	Active	NSW Aboriginal Land Council	16/11/1992		S	Coonamble
85bl103556	Active	Wilyakali Aboriginal Corp	02/09/1975		S	Broken Hill
85bl143463	Active	Wilyakali Aboriginal Corp	23/08/1991		S	Broken Hill
85bl143464	Active	Wilyakali Aboriginal Corp	23/08/1991		S	Broken Hill
85bl143465	Active	Wilyakali Aboriginal Corp	19/07/1991		S	Broken Hill
85bl143466	Active	Wilyakali Aboriginal Corp	19/07/1991		S	Broken Hill
85bl143467	Active	Wilyakali Aboriginal Corp	19/07/1991		S	Broken Hill
50al501186	Current	Cummeragunja Local Aboriginal Land Council	01/07/2004	258	Sw	Moama
80al701397	Current	Wellington Local Aboriginal Land Council	01/07/2004	1.5	Sw	Wellington
<p>KEY: AL = Access Licence (WMA), AQ = Aquifer (WMA), BL = Bore Licence (WA), D = Domestic (WMA & WA), D & S = Domestic and Stock (WMA & WA), GS = General Security (WMA), HS = High Security (WMA), I = Irrigation, S = Stock (WMA & WA), SL = Surface Licence (WA), SW = Supplementary Water (WMA), R = Recreation.</p> <p>WMA = Water Management Act, WA = Water Act</p> <p>Notes: a. All the licences noted here are, in effect, active.</p> <p>b. The name of the town/location given is the address of the licensee not the address of the property using the water.</p> <p>c. ML = megalitre. In those cases where licences have no allocation noted, these are either very small flows and/or allocations or are not given because the licences are subject to current changes in legislation.</p> <p>Source: Department of Natural Resources, New South Wales.</p>						

Table 4. Victoria water licence data

Name of entity	Type of business	Nearest town or Shire	Does the entity hold a water licence?	Is the licence for Stock and Domestic use?	Date of issue of licence	Volume of allocation per year (ML) ^a
Framlingham Abgl Trust ^b	aquaculture, eel farm	Port Fairy/ Warrnambool				
Windamara Aboriginal Cooperative (Lake Condah) ^c	eel aquaculture	Heywood				
Yorta Yorta Nation Abgl Corporation	aquaculture and horticulture	Echuca, Moama	Yes			
Boundary Bend (Held by ILC) ^d	citrus orchard	Boundary Bend	Yes (2 licences)	No	2007	
Tol Tol Road (Held by ILC)	vineyard, (orchard?)	Robinvale	Yes	No	2007	
ILC Property	irrigation licence, no present water allocation	Murray Valley (2 Licences)	Yes	No	2007	
Boona Dairy ^e	irrigated pasture	Warrnambool	Yes		2005	481.2

Notes: a. ML = megalitre.

b. There has been extensive discussion and preliminary research regarding the establishment of an aquaculture operation by Framlingham Aboriginal Trust however the areas where they have demonstrated interest no longer have entitlement available without trading from an existing licence holder.

c. The Winda Mara Co-operative does not hold a licence for Lake Condah as such. The Lake Condah Sustainable Development Project is managed by Winda Mara and seeks to restore a natural water flow to the ephemeral lake that has effectively been drained by implementing weirs along its tributary waterway. The lake will flood in natural circumstances and provide opportunity for traditional aquaculture activities although not, it is believed, in a commercial sense.

d. ILC = Indigenous Land Corporation.

e. Framlingham Aboriginal Trust is the only licence holder with a groundwater extraction licence at the property *Boona* between Port Fairy and Yambuk. The licence is held in the name of Kirrae Whurrong Community Inc and was originally issued to the ILC on 19 November 1997.

Source: Lower Murray Water, Grampian Wimmera Water, and Southern Rural Water.

Table 5. Tasmania water licence data

Name of entity	Type of business	Nearest town or Shire	Does the entity hold a water licence?	Is the licence for Stock and Domestic use?	Date of issue of licence	Volume of allocation per year (ML) ^a
Murrayfield & Kirkby Lodge (ILC) Licence allocated to the ILC	aquaculture	Bruny Island, south west of Hobart	Yes, (7647)	No	2005	54,385
Notes: a. ML = megalitre. Source: Water Information System of Tasmania.						

Table 6. South Australia water licence data

Name of entity	Type of business	Nearest town or Shire	Does the entity hold a water licence?	Is the licence for Stock and Domestic use?	Date of issue of licence	Volume of allocation per year (ML) ^a
Raukkan Farm Ngarrindjeri Pty Ltd.	cattle agistment (crop production, dairying)	Narrung	Yes (813)	No	30/06/1975	694.7 irrigation
Manunka Farm, Manunka Abgl Corp (ILC) ^b	horticulture	Nildottie	Yes (404)	Yes (partial)	04/03/1981	144 irrigation, 1.0 stock & domestic
Manunka Farm, Manunka Abgl Corp (ILC)	horticulture	Nildottie	Yes (1309)	Yes (partial)	May 1974	46.0 irrigation, 0.5 stock & domestic
River Road, Sugar Shack Abgl Corp (ILC)			Yes (22381)	Yes (partial)	09/01/2002	1.09 holding 2.0 taking stock & domestic
Notes: a. ML = megalitre. b. ILC = Indigenous Land Corporation. Source: Department of Water, Land and Biodiversity Conservation, South Australia.						

Table 7. Western Australia water licence data

Name of entity	Type of business	Nearest town or Shire	Does the entity hold a water licence?	Is the licence for Stock and Domestic use?	Date of issue of licence	Volume of allocation per year (ML) ^a
Pandanus Park, Mowanjum Abgl Corp CDEP	aquaculture, gardening and landscaping	Derby	Yes	No	2006	7.5
Mowanjum Aboriginal Corporation	pastoral property	Derby West Kimberley	Yes	No	2006	7.5
Mowla Bluff	pastoral property	Derby West Kimberley	Yes	Yes	2000	2.5

Notes: a. ML = megalitre.
Source: Department of Water, Western Australia.

Table 8. Northern Territory water licence data

Name of entity	Type of business	Nearest town or Shire	Does the entity hold a water licence?	Is the licence for Stock and Domestic use?	Date of issue of licence	Volume of allocation per year (ML) ^a
Centrefarm	horticulture, agroforestry	Alice Springs	Yes	No	2008	100
Ali Curing, Warrabri ALT	horticulture	Alice Springs	No, in process	-	To be issued in the future	-
Desert Garden Abgl Corp		Alice Springs	Yes			
Katherine region ^b			4 future licences	Yes, but also for irrigation of lawns and gardens	Future	Relatively small

Notes: a. ML = megalitre.

b. Issued to enable use on Indigenous-owned land as per the forthcoming Katherine Tindal Water Allocation Plan.

Source: Water Management, Natural Resources Division, Department of Natural Resources, Environment, the Arts and Sport, Northern Territory Government.

Table 9a. Queensland water licence data

Client	Name of entity	Wauth	Status	Date of issue of licence	Volume of allocation per year (ML) ^a	Purpose
11330E	Bidjara Aboriginal Housing & Land Corp Ltd	50467E	Issued	14/09/1984		stock
13577U	Gehgre Aboriginal And Torres Strait Islanders Corporation	31297U	Expired	16/09/1976		stock
13577U	Gehgre Aboriginal And Torres Strait Islanders Corporation	31299U	Expired	18/01/1977		irrigation, stock
13705	Yaamba Aboriginal & Torres Strait Islanders Corp For Men	65314B	Issued	31/10/1988	5.0	domestic supply, irrigation
13969	Gungarde Community Centre Aboriginal Corporation	109251K	Issued	30/03/2000		domestic supply
15330	Woolgar Valley Aboriginal Corporation	183526	Issued	14/07/2005		domestic supply, stock
17450K	Pormpuraaw Aboriginal Council	45600K	Issued	19/08/1983		stock, domestic supply
18655K	Ang-Gnarra Aboriginal Council	92568K	Expired	08/01/1997		domestic supply, stock
26591	Kowanyama Aboriginal Shire Council	178186	Issued	27/02/2004		stock, domestic supply
26591	Kowanyama Aboriginal Shire Council	45068K	Issued	30/05/1977		stock, domestic supply
43009	Uwoykand Tribal Aboriginal Corporation	402454	Issued	16/04/2007		domestic supply, stock
49718	Central West Aboriginal Corporation	409192	Issued	03/02/2009		irrigation, domestic supply
12011	Urannah, Urannah Properties Asscn Inc (ILC)					pastoral
11714	Thornhill, Meerooni Warro Thornhill Abgl Corp (ILC)					pastoral
15027	Murra Murra, Kooma Traditional Owners Asscn (ILC)					pastoral
16055	Murra Murra, Kooma Traditional Owners Asscn (ILC)					pastoral
18544	Badjuballa, Badjuballa Abgl Corp (ILC)					pastoral
40666S	Hillgrove Station, Gidarjil Land Dev Corp Ltd (ILC)					pastoral

Note: Full key is provided at conclusion of table.

Table 9b. Queensland water licence data						
Client	Name of entity	Wauth	Status	Date of issue of licence	Volume of allocation per year (ML) ^a	Purpose
30390F	Welcome Station (ILC)					Pastoral
37566	Coorumburra					Pastoral
17339	Woorabinda					Pastoral
40763S	Woorabinda					Pastoral
42478	Woorabinda					Pastoral
Notes: a. ML = megalitre. b. ILC = Indigenous Land Corporation.						
Source: Water Management Branch, Department of Natural Resources and Water, Queensland.						

APPENDIX B. AGENCIES AND BODIES APPROACHED TO ESTIMATE THOSE ENTITIES THAT MAY USE WATER FOR COMMERCIAL PURPOSES

COMMONWEALTH

Australian Institute of Aboriginal and Torres Strait Islander Studies
House of Representatives Standing Committee on Aboriginal and Torres
Strait Islander Affairs
Indigenous Business Australia
Indigenous Land Corporation
National Native Title Tribunal
Northern Australia Indigenous Land and Sea Management Alliance
Office of Indigenous Policy Coordination, Department of Families,
Housing, Community Services and Indigenous Affairs (Cwlth)
Office of the Registrar of Indigenous Corporations
Professor Dennis Foley
Reconciliation Australia
Staff at the Centre for Aboriginal Economic Policy Research, ANU

STATE

Aquaculture Council of Western Australia
Department of Environment and Conservation, New South Wales W
Department of Fisheries Western Australia
Kimberley Development Corporation
MILDRIN (Murray Lower Darling Rivers Indigenous Nations)
Murray Darling Commission
Victorian Indigenous Seafood Committee
Department of Agriculture and Food, Western Australia

REGIONAL

Balkanu Cape York Development Corporation
Darebin Enterprise Centre
Desert Knowledge Cooperative Research Centre
Indigenous Stock Exchange
Koori Indigenous Business Network
Southeast Brisbane Indigenous Chamber of Commerce
Wunan Foundation
Native Title Representative Bodies
Cape York Land Council Aboriginal Corporation
Carpentaria Land Council Aboriginal Corporation
Central Desert Native Title Services (was Ngaanyatjarra Council)
Central Land Council
Goldfields Land and Sea Council Aboriginal Corporation
Kimberley Land Council (Aboriginal Corporation)
Native Title Services Victoria Ltd
North Queensland Land Council Native Title Representative Body
Aboriginal Corporation
Northern Land Council
NTSCORP LTD (New South Wales)
Queensland South Native Title Services Ltd
South Australian Native Title Services
South West Aboriginal Land and Sea Council
Torres Strait Regional Authority
Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation

APPENDIX C. JURISDICTIONAL BODIES APPROACHED FOR COMMERCIAL LICENCE INFORMATION

Department of Primary Industries and Water, Tasmania

Department of Water Land Biodiversity Conservation, South Australia

Department of Water Resources, New South Wales

Goulburn–Murray Water, Victoria; Lower Murray Water, Victoria;

Grampians Wimmera Mallee Water, Victoria; Southern Rural Water,
Victoria

Natural Resource Management, Department of Water, Western
Australia

Water Management, Department of Natural Resources and Water,
Queensland

Water Management, Natural Resources Division, Natural Resources, the
Environment, Arts and Sport, Northern Territory

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